



HB 115

(Amended 1-23-15)

GENERALLY REVISE BOARD OF NURSING LAWS: PROVIDING FOR NURSING APPLICANTS TO
SUBMIT CRIMINAL BACKGROUND CHECKS, EXPANDING NURSING MEDICAL ASSISTANCE
PROGRAM TO MEDICATION AIDES

BY REQUEST OF THE BOARD OF NURSING

SPONSOR – REP. MOFFIE FUNK HD 82

BUSINESS & LABOR

EXHIBIT NO. 2

DATE

CONTACT 3-12-15

FILE NO.

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SUMMARY OF CHANGES OR ACTUAL AMENDMENT LANGUAGE

A new section is being added to the Montana Code Annotated that will require all license applicants to submit fingerprints for a federal criminal background check.

MCA § 37-8-202 is being amended so that, in addition to nurses, medication aides licensed by the board of nursing may also be referred to the medical assistance program established by the board which now serves LPNs and RNs.

OVERVIEW OF DIVISION'S POSITION INCLUDING DATA IN SUPPORT

Background Checks:

The Board wants to come into alignment with the majority of the other states in the US that require a criminal background check at application for licensure in the state. Currently, MT is one of only 14 other states that do not require this check. In all the states with fingerprint checks, the applicant bears the cost of the check through the application fees.

Compared with other procedures (such as a self-report), fingerprint-based criminal background checks provide the most thorough information about an applicant, including convictions across state lines. Not all applicants with a criminal history are denied licensure. Information from fingerprint-based criminal background checks would provide the Board of Nursing information necessary to make the most informed decision for safety of the public. The new FBI Rap Back Service as part of a federally based background check would provide the Board with notice of any subsequent criminal activity the licensee may have in the future.

Addition of Medication Aides I & II to the Medical Assistance Program:

The Board of Nursing has two license types that were recently added by the legislature: Medication Aide I and Medication Aide II who work in either assisted living or long term care settings. The Nurses Assistance Program (NAP) should be available for these licensees so that they can be monitored effectively and be assisted to rehabilitate from a substance use disorder, just like the nurses.



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